

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, the specification is amended, the abstract is amended, and claims 1-12 are amended, leaving claims 1-12 pending with claims 1 and 2 being independent. No new matter has been added.

### ***Specification***

The specification and abstract have been reviewed and revised to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. No new matter has been added.

### ***Objection to the Abstract***

The abstract has been objected to because it begins with a phrase that can be implied. The abstract has been amended to overcome this objection. No new matter has been added.

Also, attached hereto is a marked up version of the changes made to the abstract by the current amendment.

### ***Rejection Under 35 U.S.C. §112, second paragraph***

Claims 1-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that several elements in claims 1 and 2 lack antecedent basis. Claims 1 and 2 have been amended to overcome this rejection.

Additionally, the Examiner states that the meaning of the limitation the torsional angle in a torque-torsional angle diagram is approximately 0 at the time of input torque 0 Nm, in claim 1 is unknown.

Applicants submit that one of ordinary skill in the art would understand this claim element. In particular, Applicants note that Fig. 1A shows the relationship between torque and torsional angle. While the vertical axis shows torque, the horizontal axis shows torsional angle. Thus, it is apparent that the torsional angle is 0 when the input torque is 0. The torque gradually increases first and then sharply as the torsional angle increases.

On the other hand, in Fig. 1B, the torsional angle is not 0 only when the input torque is 0. In other words, the line has the horizontal part where the input torque is 0. Thus, the joint is shaky when the input torque is 0.

Therefore, Applicants submit that one of ordinary skill in the art would understand this claim element, and respectfully request that this rejection be withdrawn.

***Rejection Under 35 U.S.C. §103(a)***

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. (U.S. Patent Publication No. 2003/0083135).

Applicants respectfully traverse this rejection and submit that the cited prior art fails to disclose or render obvious the claims. Specifically, independent claim 1 recites a fixed type constant velocity joint wherein a torsional angle in a torque-torsional angle diagram is approximately 0 at the time of input torque 0 Nm.

Yamazaki is silent with regard to the torsional angle in a torque-torsional angle diagram. In fact the Examiner does not discuss this element of claim 1. Therefore, Applicants respectfully request that this rejection be withdrawn or the Examiner provide some rational as to how the prior art discloses or renders obvious this element of claim 1.

Moreover, Applicants submit that merely stating that “where general conditions of a claim are disclosed in the prior art, discovering the optimum workable ranges involves only routine skill” is not sufficient. That is, Yamazaki does not disclose *any* torsional angle in a torque-torsional angle diagram, let alone the specifically claimed angle at the specifically claimed input torque. Therefore, Applicants submit that, if the Examiner suggests that the general conditions of a claim (i.e., a torsional angle in a torque-torsional angle diagram at the time of input torque) are disclosed in the prior art, the Examiner point out where in the prior art such general conditions are disclosed or provide evidence that one of ordinary skill in the art would understand that such conditions are inherent.

In light of the fact that Yamazaki is completely silent with regard to at least one element recited in claim 1, and there is no reasoning to modify Yamazaki such that it would have rendered claim 1 obvious, Applicants submit that claim 1 and its dependent claims are allowable over the cited prior art.

Applicants submit that independent claim 2 is allowable for reasons similar to those set forth above. Namely, Yamazaki is completely silent with regard to the claim element wherein a torsional rigidity in the vicinity of input torque 0 Nm in a torque-torsional angle diagram is in a range of 1.5 Nm/deg to 6 Nm/deg. That is, Yamazaki does not disclose *any* torsional rigidity in the vicinity of input torque 0 Nm in a torque-torsional angle diagram, let alone the specifically claimed angle at the specifically claimed input torque. Therefore, Applicants submit that, if the Examiner suggests that the general conditions of a claim (i.e., a torsional rigidity in the vicinity of input torque in a torque-torsional angle diagram) are disclosed in the prior art, the Examiner point out where in the prior art such general conditions are disclosed or provide evidence that one of ordinary skill in the art would understand that such conditions are inherent.

In light of the fact that Yamazaki is completely silent with regard to at least one element recited in claim 2, and there is no reasoning to modify Yamazaki such that it would have rendered claim 2 obvious, Applicants submit that claim 2 and its dependent claims are allowable over the cited prior art.

### ***Conclusion***

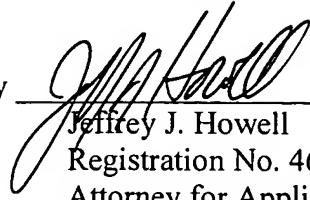
In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Minoru ISHIJIMA et al.

By



Jeffrey J. Howell  
Registration No. 46,402  
Attorney for Applicants

JJH/emj/lkd  
Washington, D.C. 2005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
August 11, 2009

Attachments: Abstract (marked up and clean versions)